

Office of the State Actuary
Personnel Reference Manual

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Section I

Introduction and Agency Organization

MISSION STATEMENT

The Office of the State Actuary strives to ensure public faith and confidence in the Washington state retirement systems by providing reliable actuarial analysis and expert knowledge of pension issues for the Legislative and Executive Branches of the State of Washington.

INTRODUCTION

This Personnel Reference Manual contains policies developed by the Office of the State Actuary (OSA) to provide consistent and equitable procedures and processes for actions affecting OSA employees. However, flexibility is assumed within the manual so that individual determinations that warrant special consideration may be made.

These policies and procedures apply to all OSA employees unless otherwise specifically noted.

It is the responsibility of each employee to read this Manual and to ask clarifying questions where necessary to ensure a thorough understanding of the policies, procedures, and processes contained herein.

If personnel matters arise that these policies and procedures do not specifically address, the State Actuary may look to state civil service law or the policies and practices of the Senate and House of Representatives for reference and guidance.

FUNCTION AND ROLE OF THE OFFICE OF THE STATE ACTUARY

The OSA was established as a legislative office in the 1977 Session of the Legislature. Chapter 44.44 RCW sets forth the following duties:

1. Perform all actuarial services for the state retirement systems, including all studies required by law;

2. Advise the Legislature and the Governor on pension benefit provisions, funding policies, and investment policies of the State Investment Board;
3. Consult with the Legislature and the Governor concerning the actuarial assumptions used by the retirement systems;
4. Prepare a fiscal note on each pension bill introduced in the Legislature which briefly explains the financial impact the proposed legislation would have on the retirement systems;
5. Provide such actuarial services to the Legislature as may be required from time to time;
6. Provide staff and assistance to the Select Committee on Pension Policy; and
7. Provide actuarial assistance to the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board.

ROLE OF THE SELECT COMMITTEE ON PENSION POLICY

The Select Committee on Pension Policy (SCPP) was created in 2003 (RCW 41.04.276).

The Committee consists of 20 members:

- Four are members of the Senate appointed by the President of the Senate (two each from the majority and minority party caucuses);
- Four are members of the House of Representatives

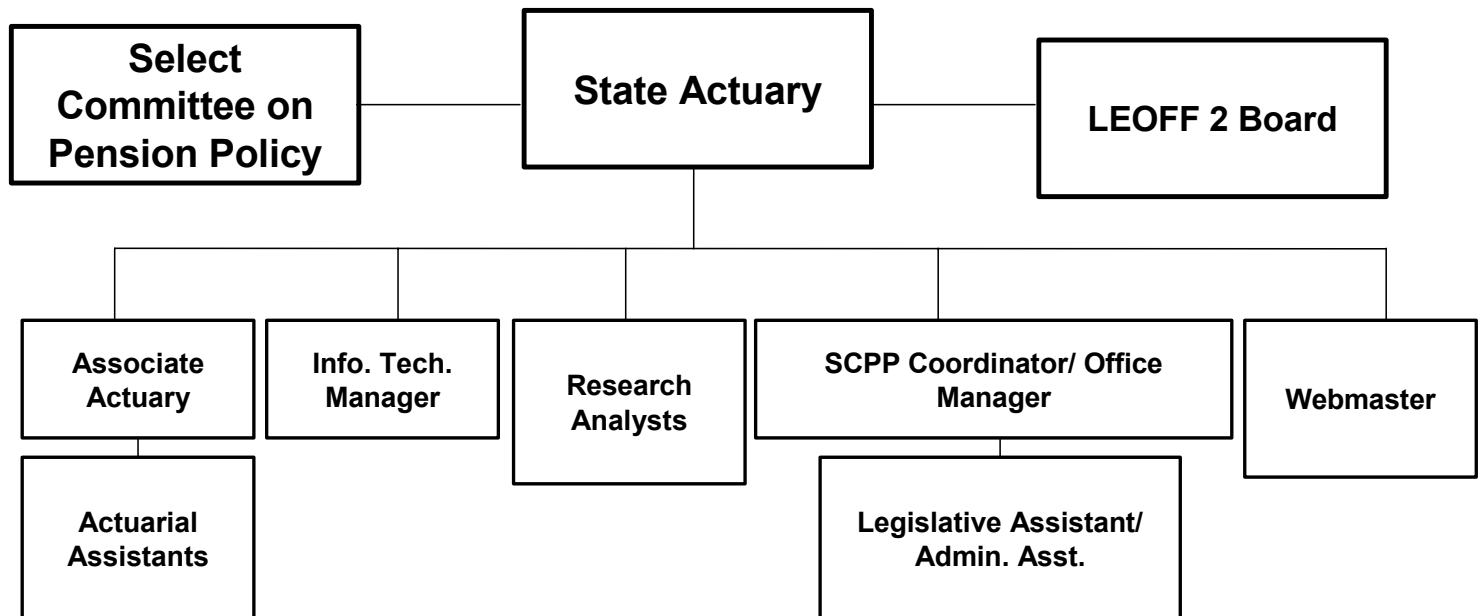
appointed by the Speaker of the House (four each from the majority and minority caucuses);

- Four represent active members appointed by the Governor;
- Two represent retired members appointed by the Governor;
- Four represent employers of members appointed by the Governor; and
- The Directors of the Department of Retirement Systems and the Office of Financial Management

The SCPP has the following powers and duties:

1. Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the legislature;
2. Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the legislature;
3. Consult with the chair and vice-chair on appointing members to the State Actuary Appointment committee;
4. Receive the results of the actuarial audits of the actuarial valuations and experience studies administered by the Pension Funding Council; and
5. Study and make recommendations on changes to assumptions or contribution rates to the Pension Funding Council prior to adoption of changes.

Office of the State Actuary



Section II

Personnel Policies

DISCLAIMER

The policies, procedures, and statements contained in this manual are presented as a matter of information only and do not constitute a promise of any kind. While the Office of the State Actuary (OSA) believes wholeheartedly in these policies, procedures, and statements, they are not designed to be, nor do they create, an employment contract. They are intended to be guidelines that describe the general policies and procedures of the OSA. The OSA remains free to change, revoke, or ignore any or all of the provisions of this manual at any time and without notice. Similarly, all employment with the OSA is to be considered employment that is terminable at-will and, therefore, may be terminated at any time, without liability, without notice, and without cause, except a cause that violates law or public policy by either the OSA or the employee.

AUTHORITY OVER EMPLOYMENT PRACTICES

RCW 44.44.030 gives the State Actuary authority to select and employ research, technical and clerical personnel, and consultants.

Select Committee on Pension Policy Rules of Procedure establish that the Full Committee approve the agency's budget submission and personal services contracts of \$20,000 or more. In addition the SCPP Rules of Procedure direct the State Actuary to advise the Executive Committee of final personnel actions.

The responsibilities of the State Actuary include but are not limited to the following actions:

1. Establish, revise, and maintain administrative, personnel, and employment practices, policies, and procedures;
2. Establish and revise a classification plan for positions based on an objective analysis of the duties and responsibilities of each position;
3. Act with final authority in hiring and terminating employees of the OSA, following the policies and procedures contained herein to assure fairness and compliance with the federal and state employment laws;
4. Authorize all individual personnel actions;
5. Periodically modify the salary plan based on salary surveys, cost-of-living adjustments, or legislation;
6. Authorize new positions or implement reductions in staff; and

7. Evaluate or cause staff to be evaluated in accordance with the policies and procedures contained in this manual.

OSA EMPLOYEES EXEMPT FROM CIVIL SERVICE

All OSA employees are exempt from Washington State Civil Service Law and the Merit System Rules. Therefore, employees are not subject to the usual government employment tenure regulations and there are no guarantees of permanent status providing job security from summary dismissal, reassignment of responsibilities, change in working conditions, or hours of work. No one has the authority to modify the at-will nature of OSA employment except by a written policy change approved by the State Actuary Appointment Committee.

Neither these policies nor this document constitute an employment contract. The OSA, through the State Actuary reserves the right to modify any or all policies at any time.

Employees serve at the pleasure of the State Actuary.

EQUAL EMPLOYMENT OPPORTUNITY

The OSA provides equal employment opportunity and equal access to its programs and services for all persons without regard to race, color, sex, religion, creed, age, marital status, national origin, sexual preference, disabled and Vietnam-era veteran's status, or the presence of any physical, sensory, or mental disability.

In addition, the OSA will act in a fair and impartial manner with respect to recruitment, hiring, employee development, training, promotion, reclassification, corrective/disciplinary actions, termination, and other employment actions. This equal opportunity policy shall apply to any contractual agreements entered into by the OSA as well.

STAFF REDUCTIONS AND REORGANIZATIONS

Budget reductions or workload changes may result in staff reductions or reorganizations. Such terminations or demotions may be made by the State Actuary after a minimum of fifteen calendar days notice in writing.

RIGHT OF REVERSION

State employees who resign a Washington state classified position to accept an exempt position with the OSA have reversion rights in accordance with RCW 41.06.070. Employees who had status in a classified or Washington Management Service position have the right of reversion to the highest class of position previously held or to a position of similar nature and salary.

PAY PERIODS

Employees are paid twice monthly, on the 10th and 25th. If the 10th or 25th falls on a Saturday, payday is the preceding Friday; if it falls on a Sunday, payday is the following Monday. See Benefits for information about direct deposit.

COMPENSATION

As an office of the Legislative Branch, the OSA attempts to provide pay equity with comparable positions in the Legislature. Where there are no comparable positions, comparisons are made with other governmental agencies and the private sector.

The OSA uses the salary schedule adopted by the House of Representatives and the Senate. The current salary schedule is available from the Office Manager. Employees may be hired at any step on the salary schedule, depending on education and experience. Permanent OSA employees may receive salary adjustments as follows:

1. Periodic cost-of-living adjustment granted by the Legislature; the salary schedule is revised but employees stay at the same range and step;
2. Revision of assigned salary ranges for job classifications based on salary survey data;
3. Merit adjustment to a higher step on the assigned salary range in recognition of satisfactory job performance;
4. Promotion to a higher level job classification and range;
5. Demotion to a lower level job classification and salary range; or
6. Reclassification of a position to a different job classification and salary range due to a position audit or to a change in assignment and responsibility.

ATTENDANCE

Employees are required to report to work regularly and on time. If an employee is unable to report to work or will be late, he or she must contact his or her supervisor as soon as the employee knows he or she will be absent or late. If the supervisor is unavailable, the employee should leave a message with the receptionist or with the Office Manager. Attendance or tardiness problems as well as the failure to call in may result in disciplinary action.

WORK SCHEDULE

Normal work hours for OSA employees are 8 AM to Noon and 1 PM to 5 PM, Monday through Friday. However, employees may be required to work longer hours, weekends, and holidays to accommodate the needs of the agency. No compensatory time off for these extra hours of work will be granted without advance approval of the State Actuary.

Employees may work less than full time as determined by the State Actuary. The State Actuary has discretion over work schedules for all OSA employees. Thus, an employee in a part-time or less-than-full-time position may be required to work full-time or a full-time position may be made part-time dependent upon the needs of the agency.

ALTERNATE WORK SCHEDULES

To accommodate individual needs, an employee's regular work schedule may be modified with the approval, in writing, of the State Actuary. Employees wishing to work a modified work schedule must submit the request using the Alternate Work Schedule Form.

A work schedule modification must meet the following criteria:

- It must be compatible with the employee's job duties and responsibilities;
- It may not be detrimental to the employee's productivity, the work conditions of other employees, or the needs of the agency;
- It must be compatible with the schedules of other employees to ensure adequate office coverage; and
- It may not provide for work on weekends or for work earlier than 7 AM or later than 7 PM.

An eligible employee must designate an alternate work

Alternate schedules must be renewed by the employee at least yearly by following the process described above. An employee's alternate schedule may be reviewed periodically and may be revoked at any time for any reason by the State Actuary.

Telecommuting: The State Actuary may authorize eligible employees to telecommute up to one day per week from their alternate work location.

Full-time employees with at least six months of service with the OSA become eligible to telecommute upon approval, by their supervisor and the State Actuary, of their written request to establish a regular telecommuting schedule. An employee may request to establish a regular telecommuting schedule by submitting a "Request to Telecommute" form to his or her supervisor. When considering an employee's request to telecommute, the employee's supervisor and the State Actuary will consider the following factors:

- The extent to which the employee's duties are consistent with a telecommuting arrangement;
- The employee's dependability and ability to work independently of supervision and office resources; and
- Whether a telecommuting arrangement may serve as an impediment to productivity or to communication between the employee, clients, other staff, and members of the public.

An eligible employee must select a recurring week day, exclusive of Tuesday, in which he or she will telecommute from the alternate work location. Telecommuting must occur during normal OSA office hours and must be scheduled for a full 8-hour day. A telecommuting employee should inform his or her supervisor if they are required to use sick or annual leave to complete the duration of a scheduled telecommuting day. Temporary changes to an employee's regular telecommuting schedule must be approved by the employee's supervisor in advance and may not result in an employee telecommuting for more than one day per week.

location in which all telecommuting work will be performed

and will take full responsibility to maintain a safe and distraction-free workplace. An employee should inform his or her supervisor in a timely manner of any equipment or software failures that occur while telecommuting (including power outages). A telecommuting employee may be required to return to the primary office to work while awaiting repairs or substitute equipment for telecommuting.

Employees may use their personal equipment (i.e., computer, phone, fax machine, copier, etc.) while working at their alternate work location. OSA does not assume liability for loss, damage or depreciation of employee-owned equipment and/or furniture used while telecommuting. OSA will not provide maintenance of employee-owned equipment and/or furniture. Other equipment may be provided at the discretion of the State Actuary. Such equipment remains the property of the state and must be used by authorized persons for legitimate state purposes. Employees shall take reasonable precautions to ensure the safety and protection of state equipment including the use of a surge protector. Employees may be required to reimburse the OSA for any damages or loss of state owned property, except for normal wear and tear. OSA will not be responsible for telephone, data lines or utility expenses, or for installation, monthly charges or costs incurred by an employee in connection with the approved telecommuting arrangement.

Employees will use the Scan Plus system to place long distance work-related telephone calls. OSA will not reimburse long distance work-related calls that are not made on the Scan Plus system. Employees are encouraged to answer phone calls from the alternate work location as if in the primary office and should check office voice mail frequently.

Telecommuting is voluntary and may be terminated by the employee, the supervisor or the State Actuary at any time. Telecommuting shall not be a substitute for dependent care and time spent on dependent care shall not count as work time. Workers' compensation liability will be limited to the scheduled work hours and alternate work space as identified on the "Request to Telecommute" form, as opposed to applying to all areas of the alternate work location. Employees will protect OSA information and data

against loss, damage or misuse while telecommuting.

LEAVE

Holidays

Employees are normally granted time off for the same holidays authorized for civil service employees (RCW 1.16.050); however at the discretion of the State Actuary employees may not be granted holiday leave during legislative sessions. An employee working an authorized holiday during session may accrue compensatory time.

Regular state holidays are:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Additional Day	Friday after Thanksgiving
Christmas Day	December 25
Personal Day	Selected by employee <i>(with approval of the State Actuary)</i>

Under the provisions of the statute (RCW 1.16.050): "Whenever any legal holiday (other than Sunday) falls upon a Sunday, the following Monday shall be the legal holiday. Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday."

Annual (Vacation) Leave

Permanent full-time employees shall receive varying rates of vacation leave according to the following schedule for each month they work 15 calendar days or more.

This schedule shall be applied based on current continuous state employment through the 7th year and on total years of state employment from the 8th year on.

Accrual Rate Per Year

<u>Years of Employment</u>	<u>Hours</u>	<u>Days</u>
1st	96	12
2nd	104	13
3rd and 4th	112	14
5th, 6th, and 7th	120	15
8th, 9th, and 10 th	128	16
11th	136	17
12th	144	18
13th	152	19
14th	160	20
15th	168	21
16th and after	176	22

Employees cannot use or be compensated for vacation leave until completion of six months of continuous service.

No annual leave shall be granted to an employee except by prior approval of their supervisor or the State Actuary.

Excess Annual Leave: State law provides that annual leave shall only be accumulated to a maximum of 30 days or 240 hours. There are two exceptions that allow the accrual of leave in excess of 240 hours. Excess leave can be accrued under either the "statement of necessity method" provided by RCW 43.01.040 or the "anniversary date method" of RCW 43.01.044.

Under the "anniversary date method," excess annual leave above 240 hours will accrue automatically but only until the employee's next anniversary date. Any annual leave over 240 hours that accrues before the employee's anniversary date will be extinguished on the anniversary date and will be treated thereafter as though it never existed.

Excess annual leave (above 240 hours) will also accrue under the "statement of necessity method" of accrual. When an employee requests vacation leave and the request is denied because it is an inconvenient time for the OSA, the State Actuary may issue a statement of necessity stating that the situation necessitates an extension of the employee's annual leave for a limited period of time.

Short Duration Leave

When it is necessary for an employee to be gone for four hours or less for medical or personal reasons, the employee may choose to make up the time rather than using leave. The time must be made up within one week subject to a maximum of four hours per week.

Sick Leave

Full-time employees earn eight hours of sick leave each month in which they work 15 calendar days or more.

Sick leave may be used for:

- Personal illness or injury;
- Preventive health care;
- Care for a relative, including, son, daughter, spouse, grandchild, parent, or grandparent; or
- Bereavement.

The employee or the employee's supervisor must report all sick leave immediately to the receptionist or the Office Manager. Upon returning to work, the employee is to submit a leave request through the agency's electronic leave system.

An employee may be required to provide a medical certificate when any personal sick leave use exceeds ten continuous work days, or upon request by the State Actuary.

Sick Leave Incentive Program: State law authorizes employees of OSA to receive monetary compensation for accrued sick leave. Yearly, in January, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to be "cashed out" for unused sick leave hours earned in the previous calendar

year. The employee choosing this option is paid for one-fourth of the unused leave providing that his or her sick leave balance would not be reduced below 480 hours.

Voluntary Employee's Beneficiary Association – Medical Expense Plan (VEBA-MEP)

The VEBA-MEP Program allows eligible employees the option of using their unused sick leave cash payments (25% of balance) at retirement to purchase a post-retirement medical expense reimbursement plan. The program is in effect each year unless eligible employees vote prior to October 31 to discontinue it for the upcoming year. Unless the plan is voted out by eligible employees, all employees that retire in that calendar year must contribute their sick leave cash-out to the medical expense plan.

Family and Medical Leave

Employees may take a total of 12 weeks of unpaid leave during a 12-month period for one or more of the reasons listed in accordance with the Family and Medical Leave Act of 1993 (WAC 356-18-145):

- Because of a serious health condition that makes the employee unable to perform the functions of his or her position;
- To care for the employee's spouse, child, or parent who has a serious health condition; and/or
- To provide care to an employee's newborn, adopted, or foster child.

If possible, the employee should give the agency at least 30 days written notice of his or her intent to take such leave.

3. Accrued sick leave up to a maximum of 3 days in any calendar year; or

Annual or sick leave may be used as part of the 12-week family and medical leave entitlement in accordance with the rules for such leave. (See **Annual (Vacation) Leave** and **Sick Leave**.)

An employee who is granted family and medical leave shall be entitled, upon return from leave, to be restored to the position he or she held or to be reassigned to an equivalent position.

The Office of the State Actuary will maintain existing health coverage of the employee during family and medical leave. However, the agency may recover the premium paid for maintaining coverage for the employee if he or she fails to return from leave for a reason other than circumstances beyond his or her control.

Leave Without Pay

An employee may take leave without pay provided such leave has the approval of the State Actuary. Employees are to be cautioned to speak with the Office Manager prior to taking unpaid leave to ensure that benefits are not lost.

Civil Duty Leave

Employees may take leave with pay for services such as jury duty, appearing as a witness, or other civil duties.

Members of the armed forces and reserve are entitled to 15 days of leave during each calendar year for the purpose of reporting to active duty or to take part in active training duty.

Inclement Weather Leave

Absence due to the inability of an employee to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather shall be charged against leave in the following order:

1. Compensatory time;
2. Accrued annual leave;

4. Unpaid leave.

Tardiness due to the inability of an employee to report for work because of severe inclement weather or conditions caused by severe inclement weather is permitted up to one hour per day at the beginning of the work day.

Shared Leave

An employee may, with the approval of the State Actuary, donate vacation and sick leave to another state employee for sick leave purposes. The donation of leave cannot put the employee's sick leave balance below 480 hours or below 80 hours for annual leave.

BENEFITS

Employees are generally eligible for and receive the same benefit package that is available to state civil service employees. Information on the various plans and programs, eligibility, optional coverage, and payroll deductions is available from the Office Manager.

Medical and Dental: Employees are eligible for the state's medical and dental insurance plans. Employees will be notified of open enrollment periods and any changes in the various plans offered.

Life and Long Term Disability Insurance: Employees are covered under the employer-paid group life and long-term disability insurance plans.

Industrial Insurance: As state employees, OSA employees are insured under the Workers' Compensation Act for injuries or illnesses that occur in the course of employment. Employee premiums are paid automatically by payroll deduction.

Employees must immediately report any on-the-job injury to their supervisor and complete an accident report. An employee who consults a physician for what he or she reasonably believes is an on-the-job injury or illness should inform his or her doctor that the injury is believed to be job-related and that an industrial insurance claim should be sent to the Department of Labor and Industries. An employee who files a workers' compensation claim must coordinate the use of sick leave and other time loss issues with the Office Manager. See **Accident**

Prevention for related information.

Social Security and Medicare: Employees are covered by the Old Age Survivor's Insurance System (OASI). Employee contributions are paid automatically by payroll deduction.

Retirement: All eligible employees are required to participate in the Washington Public Employees' Retirement System. Contributions are made by both employer and employee.

Unemployment Compensation: Permanent employees are covered by unemployment compensation.

Deferred Compensation: Employees may elect to deposit a portion of their salary in a deferred compensation plan. Contact the Deferred Compensation Program at the Department of Retirement Systems for information.

Dependent Care Assistance: Employees may set aside a portion of pre-tax earnings to pay for dependent care expenses. Contact the Deferred Compensation Program at the Department of Retirement Systems for information.

Payroll Deductions: Generally, the following mandatory payroll deductions are made from employee paychecks.

- Federal income tax withholding;
- OASI (Social Security and Medicare);
- Health insurance premiums;
- Retirement system contributions; and/or
- Industrial Insurance.

Employees may request automatic payroll deductions to:

- Purchase U.S. Savings Bonds;
- Contribute to the Deferred Compensation Plan;
- Make deposits to a credit union or other financial institution;
- Contribute to the Combined Fund Drive (charitable organizations);
- Purchase additional life or long-term disability insurance;
- Pay union dues; and/or
- Receive Dependent Care Assistance.

Direct Deposit: Employees may have their paycheck deposited directly to their checking and/or savings account at most financial institutions.

EMPLOYEE TRAINING AND DEVELOPMENT

The OSA functions in a complex and constantly changing environment. To perform at their best, OSA employees must continually acquire new job skills and knowledge. The purpose of this policy is to support employees' efforts to improve themselves professionally and to encourage planning for that development.

Employee development is important to the OSA. It increases job performance and satisfaction, thus benefitting both the agency and the employee. Employee development can be used to help the employee perform the requirements of his or her current job, enhance responsibilities within his or her current positions, or advance to different positions within the agency and the Legislature.

Employee development encompasses activities designed to change or enhance employees' knowledge, skills, attitudes and behaviors. Examples of employee development activities include, but are not limited to, classroom and on-the-job training, college and self-study courses, job rotations, tapes, videos, books, online electronic resources, professional conferences, and work assignments outside of normal job responsibilities.

Eligibility for Employee Development: All permanent employees are eligible to participate in employee development activities during work hours with appropriate approval. The goal is that each employee will participate in employee development activities each year.

Employee Development Plan (EDP): Each November, an employee may develop an EDP with their EDP Manager for the upcoming calendar year. The EDP process is comprised of three phases:

- Planning Phase
- Mid-year Phase
- Year-end Phase

The Planning Phase includes a competency assessment, career discussion with the EDP Manager, annual plan with goal setting and a request for development activities. The Mid-year Phase, completed in June or July, consists of a discussion and documentation of progress against the annual plan. The Year-end Phase, completed in October, includes a discussion and notation of the year-end results and initial planning or next year's EDP.

The EDP process is designed to facilitate an ongoing career discussion between the employee and their EDP Manager. In turn, EDP managers will work with the State Actuary to best align individual EDP goals with office goals and initiatives.

Developmental goals documented in the Planning Phase that require specific training activities should be identified under the following priority levels (as identified under the Procedure for Requesting Training Activities):

Priority #1: "Essential" - Considered necessary to fulfill current job responsibilities.

Priority #2: "Useful" - Directly related to current and/or anticipated job responsibilities within the agency.

Priority #3: "Beneficial" - Career enhancing, but not directly related to current or anticipated job responsibilities. Activities in this category tend to be applicable to broader career goals in the Legislature.

Procedure for Requesting Activities: Employees

request development activities by submitting a "Request for Employee Development Activities" form to their supervisor. (See **Forms** section.) The supervisor will route approved requests to the Office Manager. The Office Manager will obtain approval from the State Actuary and coordinate registration.

Development activities identified in the Employee Development Plan or others the employee and supervisor consider valuable can be requested.

The level of priority (above), workload, and budget will be considered for approval of requests. In the event a request for an employee development activity is denied, the employee will be provided with the reason for the denial.

Actuarial Study Program: Effective January 3, 2005, the office shall provide study time and reimbursement of certain exam-related expenses to eligible employees who prepare and sit for examinations administered by the Society of Actuaries (SOA) and the Joint Board for the Enrollment of Actuaries (JBEA). This policy is subject to future modification by the State Actuary.

Employees become eligible to participate in the actuarial study program upon approval, by the State Actuary, of their written request to participate in the program. Once eligible, employees must pass at least one actuarial exam (including exams that cover SOA modules, but excluding modules) over a rolling two-year period to maintain their eligibility for the study program.

Employees who become ineligible for the study program may request reinstatement in the program after passing an SOA exam.

Eligible employees shall receive up to 24 hours of office study time for each hour of an SOA or JBEA examination, for each SOA module, or for each Validated by Educational Experience (VEE) subject, subject to the following:

- A maximum of 5 hours per business week unless the examination date is less than 4 business weeks away. In the latter case, a maximum of 10 hours per business week is available.
- Second sittings for an examination will be at half the above rate.
- Office study time is not available for third and subsequent sittings.
- Eligible employees will submit a weekly study schedule to their manager. The study schedule must be approved by their manager and is subject to change during the week based on the work demands on the office.
- Office study time for exams and modules must be taken in the office during normal business hours only.
- Study time for VEE courses may be used to attend classes during normal business hours.
- Study time for the SOA modules will be available after the completion of the Preliminary Education exams.

The office will reimburse eligible employees for examination sitting fees, the cost of actuarial study materials and exam preparation seminars subject to the following:

- Reimbursement is not available for second and subsequent exam sittings (with the exception of exam preparation seminars).
- Reimbursement of actuarial study materials will not exceed \$750 per SOA examination.
- Reimbursement of tuition and books for VEE subjects will not exceed \$1,000 per year.
- Reimbursement for exam sitting fees and study material will be made after the employee sits for the exam.

- Reimbursement of the cost of attending exam preparation seminars (including registration fees, travel and lodging costs) will be reimbursed upon receipt of a passing score on the covered examination subject to a maximum of \$2,500 per calendar year.
- Reimbursement of the cost of attending the Associate Professionalism Course or the Fellowship Admissions Course (including registration fees, travel and lodging costs) will be reimbursed subject to a maximum of \$2,500 per calendar year.

Tuition Reimbursement: To encourage employee development, the office may approve reimbursement of employee-paid expenses for a course conducted by an educational institution, vocational technical school, or a professional training organization.

To be eligible to receive reimbursement under this policy, an employee must:

- Obtain prior approval for the course through the standard employee development request process;
- Submit a written agreement outlining all terms and conditions upon which reimbursement will be made, including amounts to be reimbursed; and
- Provide proof of a passing grade, or other evidence of satisfactory completion of the course to receive reimbursement.

Expenses qualifying for reimbursement include registration fees, tuition, required textbooks and supplies. Travel expenses may be paid where appropriate. College classes will take place during the employee's personal time.

CORRECTIVE AND DISCIPLINARY ACTIONS

PERMANENT PART-TIME EMPLOYMENT

Permanent part-time employees' pay will be computed in an amount proportionate to the hours worked during the month to that required for full-time employees. Employees who work half-time or greater will receive benefits such as the following. (See **Benefits** for further information.)

- Sick leave, accrued at the proportional rate;
- Annual leave, accrued at the proportional rate;
- Holiday pay at the proportional rate;
- Medical and dental insurance; and
- Retirement membership if eligible under Department of Retirement Systems criteria.

TEMPORARY EMPLOYMENT

The OSA may utilize temporary employees full-time or part-time during periods of high workload or to work on specific projects. Temporary employment exists where an employee is employed for a specified length of time or not to exceed a specified length of time. The conditions of employment should be made in writing and be clearly understood by the employee at the time of employment.

Where employment is expected, but not guaranteed, to be for at least 6 months and the hours are half-time or more, an employee may receive the following benefits on the same basis as a permanent employee.

- Sick leave, accrued at the proportional rate;
- Annual leave, accrued at the proportional rate;
- Holiday pay, accrued at the proportional rate;
- Medical and dental insurance; and
- Retirement membership if eligible under Department of Retirement Systems criteria.

Employees of the OSA are expected to be productive, cooperative, and law-abiding. Supervisors are responsible

for developing and maintaining high standards of performance, conduct, and working relationships within their area of responsibility.

Corrective action may be taken to assist an employee in improving his or her performance. If disciplinary action is necessary, it should be commensurate with the problem being addressed. It is the supervisor's responsibility to help the employee understand what the problem is and what is expected in the future.

Disciplinary action may involve immediate termination of employment by the State Actuary. The reasons for such termination will be stated in writing by the State Actuary.

An employee terminated by the State Actuary has the right of appeal to the Executive Committee of the Select Committee on Pension Policy. Such requests for appeal must be made in writing and contain the reasons and basis for the appeal.

EMPLOYEE RECORDS DISCLOSURE

Personnel files for each employee will be maintained that include the following information: name, title, position, salary, changes of employment status, employee development and training, attendance and leave, and other relevant information.

All personnel records will be kept confidential to the extent permitted by law. They may be inspected only by the employee, the State Actuary or the employee's supervisor.

An employee (or his or her designated representative) may examine his or her own personnel records in the Office Manager's office. However, nothing can be removed from the file. If an employee believes that material in the record is erroneous or prejudicial, the employee or the employee's designated representative may submit a rebuttal and/or refuting documentation for permanent insertion into the file.

ETHICS

All OSA employees are required to comply with the State Ethics Act and other standards of conduct prescribed by law. Failure to comply with these standards of conduct will constitute misconduct and will be grounds for discipline, including possible termination of employment.

The State Ethics Act (Chapter 42.52 RCW) follows the guiding principle that a state employee shall not use his or her position for private benefit or gain. This principle is reflected in six general provisions of the Act summarized as follows:

A state employee may **not**:

1. Have a financial or other interest, or engage in any business or professional activity that is in conflict with his or her official duties;
2. Use his or her official position to secure special privileges for himself or herself or any other person;
3. Receive any compensation or gift from a source, except the state, for performing or deferring the performance of any official duty;
4. Receive a gift or favor if it could reasonably be expected to influence the performance or nonperformance of the employee's official duties;
5. Accept a gift from any person with a value in excess of \$50; nor
6. Use any person, money, property or facilities of the state for private gain or for campaign purposes.

Employees are encouraged to become familiar with and understand the State Ethics Act. A copy is attached. All Ethics Board opinions and rules are available on the Internet home page for the Legislative Ethics Board @ <http://www.leg.wa.gov/common/ethics>.

AMERICANS WITH DISABILITIES ACT/ REASONABLE ACCOMMODATION

The OSA will comply with the federal Americans with Disabilities Act of 1990 and RCW 49.60.030 to ensure

reasonable accommodation for persons with disabilities.

Under the law, "persons with disabilities" includes all individuals who:

- Suffer from physical or mental impairment that substantially limits one or more of the individual's major life activities;
- Have a record of such an impairment; or
- Who are regarded as having such an impairment, whether or not the individual actually suffers from a disabling condition.

Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The definition of disability includes cosmetic disfigurement, psychological disorders, learning disabilities, infectious or communicable diseases, and persons recovering from serious illness such as cancer or heart disease.

The OSA recruits, hires, trains, and promotes individuals without regard to sensory, mental, or physical disability who meet the terms, benefits, and conditions of employment with or without reasonable accommodation.

Reasonable accommodation for employees may include, but is not limited to:

- Making OSA facilities accessible and usable;
- Restructuring jobs;
- Providing part-time or modified work schedules;
- Reassigning an employee to a vacant position;
- Acquiring or modifying equipment or devices; and
- Modifying examination materials or providing qualified readers or interpreters.

The law generally requires that members of the public with disabilities not be excluded, based on their disability, from participation in OSA programs, services, or activities.

The OSA has no obligation to provide an accommodation that would impose an undue hardship. Generally, an accommodation would constitute an undue hardship if it would result in significant difficulty or expense. Undue

hardship will be determined on a case-by-case basis. The federal law contains detailed standards on what constitutes undue hardship and these standards should be reviewed in each case.

Failure on the part of any employee to carry out the intent of this policy is appropriate cause for corrective action.

Procedure for Public Accommodation: The OSA will provide auxiliary aids or services to facilitate public participation. Aids or services may include providing documents in alternative formats, readers, sign language interpreters, and adaptive equipment. Persons with disabilities who need aids or services are invited to request them.

Requests must be made in a timely manner, providing the OSA with the opportunity to make the appropriate arrangements at reasonable costs and without undue hardship. Generally, the OSA will not provide auxiliary aids or services to persons where their employers have the legal duty to do so.

The process to request an accommodation is informal and simple. The person with a disability makes a request to the Office Manager who grants or denies the request or provides a suitable alternative. The Office Manager's authority to deal with a request under this policy does not include the authority to incur expenses without the approval of the State Actuary. If a disabled person believes that his or her request has not been handled or decided properly or expeditiously, he or she may file a formal, written complaint with the State Actuary. There will not be a hearing and the State Actuary's decision is final.

A complaint should include the following information:

1. A description of the request;
2. A statement explaining why the request is reasonable;
3. A statement showing why granting the request is required by law;
4. A statement showing why the process has not been adequate; and

5. If necessary, a medical verification that the disability constitutes a "disability" within the meaning of the law.

When necessary to avoid discrimination, the OSA will make reasonable modifications in its policies, practices, and procedures. However, OSA will not make modifications that would fundamentally alter the nature of its programs, services, or activities.

Complainants have the right to seek resolution of any dispute through the Washington Human Rights Commission or the U.S. Department of Justice, or by filing a private cause of action.

Procedure for Employee Accommodation: The OSA provides, as each situation dictates, appropriate and reasonable accommodation to allow a person with a disability to meet the terms, benefits, and conditions of employment.

An employee with a disability has the right to request a reasonable accommodation. Requests should be made in writing to the Office Manager. Such requests should outline the reasonable accommodation desired and may be accompanied by a written statement from a physician or a qualified expert about the general nature of the disability.

A doctor or qualified expert's role will be limited to advising the Office Manager about an individual's medical condition and its symptoms. The doctor or expert will not be responsible for making employment decisions or deciding whether it is possible to make a reasonable accommodation for a person with a disability. That responsibility lies with the State Actuary.

Information resulting from medical inquiries and examinations must be kept separate from personnel files and treated as confidential. Supervisors, managers, and others in the workplace (as determined by the Office Manager or the employee) may be informed regarding restrictions on work or duties of employees and regarding necessary accommodations. In addition, personnel may be informed if persons with disabilities might require emergency treatment.

Upon receipt of a request for reasonable accommodation, the Office Manager may seek outside expertise for a professional evaluation of the request in order to determine the disability status of the requester and its relationship to the terms, benefits, and conditions of the position. A determination can then be made whether the request for accommodation is appropriate.

The State Actuary will make the final determination on the accommodation. The employee will be notified of the accommodation determination in writing. In making the determination, the State Actuary has the responsibility to balance the rights of disabled individuals with the duty of the OSA to maintain the integrity of its responsibilities and work effort.

Accommodation may be refused only if such action cannot be "reasonably" undertaken. Refusals to accommodate cannot be arbitrary and capricious. Rejections of requested accommodations should reflect that the accommodation was, in fact, considered in more than a cursory fashion and was rejected for legitimate reasons.

Complainants have the right to seek resolution of any dispute through the Washington Human Rights Commission or the U. S. Department of Justice, or by filing a private cause of action.

DISCRIMINATION AND HARASSMENT

Harassment and discrimination undermine the integrity of the employment relationship and the self-esteem of the individual, and negatively affect morale and work performance.

The OSA will provide and maintain a work environment free from discrimination and harassment. Employees will work in an environment free from unsolicited, inappropriate, and unwelcome comments or conduct.

Employees are expected to conduct themselves so that no harassment or discrimination occurs in any action or work condition. Conduct that violates this policy will not be condoned. Employees are encouraged to ask questions and attend training on harassment and discrimination.

Visitors are expected to respect these policies as well.

Violations may result in restrictions being placed upon the visitor.

Discrimination: The OSA will not engage in activities that discriminate against employees or job applicants on the basis of race, color, gender, religion, creed, age, marital status, national origin, sexual preference, or disability.

General Harassment: No employee shall engage in demeaning or derogatory behavior toward another person. Harassment may include: written, graphic, or verbal communication which includes demeaning comments, jokes, slurs, or negative stereotyping or hostile, intimidating, or threatening conduct which is directed at an individual.

Harassment is not an honest difference of opinion or disagreement between individuals nor is it constructive criticism or work instructions from a supervisor or manager.

Sexual Harassment: The OSA is committed to creating and maintaining a work environment in which all employees are free from sexual harassment and are treated with respect.

The courts have defined two types of sexual harassment:

- Cases in which the employer or supervisor demands submission to sexual advances as an explicit or implicit term or condition of employment; and
- Cases in which the employer or supervisor creates or condones: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Sexual harassment may include comments, slurs, jokes, innuendos, cartoons, pranks, requests for favors or other verbal or physical conduct of a sexual nature.

No employee shall attempt to influence, control, or otherwise affect the career, salary, job, or performance of an employee through sexual harassment.

Complaint Options and Procedures

If an employee feels he or she is the subject of behavior that is uncomfortable or unacceptable, a number of options are available for help. These options are not exclusionary; one or more may be appropriate for a particular situation.

All complaints of harassment or discrimination will be handled discreetly, promptly, thoroughly, and respectfully.

Informal Actions

Many people who believe they have experienced harassment or discrimination simply want it to end. They may not want to go through a protracted formal or legal process. Therefore, informal procedures are available.

Personal Action: Some individuals may be unaware that certain words or conduct are offensive to others in the work environment. An employee may request that the individual stop or refrain from the offensive conduct or write a letter requesting that the behavior stop.

Legislative Facilitators: The Legislature has established a facilitator process for informal resolution of concerns. This process includes a confidential discussion with one of the Legislative facilitators. The facilitator may:

- Help the employee write to or talk with the harasser;
- Discuss alternatives for resolving the problem; and/or
- Suggest resources or counseling to help resolve the problem.

Legislative facilitators do not have authority to take disciplinary action nor to provide legal advice.

If you wish to utilize the Legislative facilitator process, contact the Office Manager for referral.

Informal Complaint Procedure

An employee may request an informal complaint procedure.

1. The employee would begin this process by talking with his or her supervisor.
2. The supervisor who receives the complaint shall immediately report the information to the State Actuary, or to the Office Manager if the State Actuary is the accused.
3.
 - A. The State Actuary will independently meet with the parties involved to seek resolution of the problem or consult with outside resources to assist in the resolution process. If it is determined that conduct violating this policy has occurred, the State Actuary will impose appropriate disciplinary action. The individuals involved shall be informed by the State Actuary of the findings and any action taken.
 - B. If the State Actuary is the accused, the Office Manager will notify the State Actuary to provide the opportunity for discussion between the State Actuary and the individual to resolve the issue.

This is the only step available under the Informal Complaint Procedure when a complaint is against the State Actuary.

Formal Complaint Procedure

An employee may request a formal investigation of the alleged harassment or discrimination.

Complaint: To initiate a formal investigation, an employee must file a written complaint with the State Actuary or the Office Manager if the State Actuary is the subject of the complaint. The complaint should include:

- A clear description of the problem or occurrence;
- The date(s) of the occurrence;
- Identification of the party or parties involved, and the identity of any individuals who may have knowledge of the problem; and
- Steps taken to resolve the problem.

Investigation: The State Actuary will investigate the complaint, utilizing outside resources as deemed appropriate. If the complaint is against the State Actuary, the Office Manager will refer the complaint to the Chair of the Select Committee on Pension Policy.

The respondent (the person who is the subject of the complaint) shall receive notice of the nature of the complaint and the identity of the complainant.

An investigation may include interviews with the parties who are directly involved and, where necessary, individuals who may have observed or have knowledge of the alleged harassment or discrimination or who may be similarly situated with the complainant.

If outside resources are utilized for the investigation, their findings and recommendations will be provided to the State Actuary at the conclusion of the investigation.

Confidentiality: OSA will strive to maintain confidentiality for the complainant, the respondent, and other parties who may be involved.

Decision: The final decision on harassment and discrimination complaints will be made by the State Actuary, or the State Actuary Appointment Committee if the complaint is against the State Actuary.

Disciplinary or Remedial Action: When a determination is made that harassment or discrimination has occurred, appropriate disciplinary action will follow. As a general rule, the State Actuary will assess remedies proportionate to the seriousness of the offense up to and including termination.

If the investigation finds that the facts may constitute a criminal violation, the appropriate law enforcement agency will be notified.

Notification: Final action will be transmitted in writing to all persons who had substantial involvement in the investigation. A copy of the final report and supporting documentation will be filed in the State Actuary's Office. Information which does not disclose identifying details may be provided through the Request for Public Records process.

Retribution Prohibited: Retaliation against a person who complains of or reports harassment or discrimination will not be tolerated.

External Options

Employees may contact the Washington State Human Rights Commission or the federal Equal Employment Opportunity Commission for assistance, information, or to file a formal complaint. An employee may also retain legal counsel and file a private action. These actions may take place at any time throughout an internal OSA procedure.

Resource Information:

- Equal Employment Opportunity Commission (206) 220-6883 or 1-800-669-4000;
- Washington State Human Rights Commission (360) 753-6770
- Thurston/Mason County Crisis Clinic (360) 352-2211

Resources are also available on the Internet. Links to the following resources can be found on the Senate's website

www.leg.wa.gov/www/senate/secsen/harrdisc.htm

- Civil Liberties, Civil Rights, Equal Opportunity, and Discrimination
- EEOC Facts about Employment Discrimination
- GSA Office of Equal Employment Opportunity
- United States Commission on Civil Rights

GRIEVANCE PROCESS

In the event a dispute arises in the employee-employer relationship, the OSA will provide for an orderly and timely adjudication of grievances and/or misunderstandings.

Grievance is defined as an assertion or claim by an employee that the terms and conditions of employment have been adversely affected in a material way by a violation, misinterpretation, misapplication, or non-application of an employment rule, policy, or procedure by the OSA. It is not a process for an employee to circumvent or change these rules, policies, or procedures.

This process is not intended to substitute for open communication between employees and management. Formal action to resolve a grievance should occur only after every good faith effort has been made to resolve the dispute.

An employee who alleges grounds for grievance must continue to follow supervisory directions and orders, allowing the grievance process to resolve the issue or dispute. Failure by an employee to comply with supervisory directions may constitute insubordination and could result in disciplinary action.

The Office Manager has been delegated responsibility for interpreting the rules, policies, and procedures.

Grievance Procedure

Step 1: An employee who believes he/she has a grievance should present the grievance in writing to his or her supervisor or the Office Manager within 15 calendar days of its occurrence. The grievance must contain the following information:

- A description of the grievance;
- The date of the occurrence;
- The rule, law, or agency policy that allegedly has been misapplied or broken; and
- The identity of any individuals who have knowledge of the occurrence.

If the employee and the supervisor or Office Manager are unable to come to a satisfactory resolution of the issue within 5 working days of the grievance being presented, the employee may refer the grievance to the State Actuary.

Step 2: The State Actuary may:

Meet with the aggrieved employee, the employee's supervisor or the Office Manager, and any individual who may have knowledge of the occurrence to resolve the issue. The State Actuary will make the final decision.

OR

Involve outside expertise such as the Attorney General's Mediation Unit or the Dispute Resolution Center of Thurston County to work with the involved parties. The process utilized by the organization selected will be followed to resolve the grievance. The organization will provide a written summary of the outcome to the State Actuary.

Step 3: At the conclusion of the grievance process, the State Actuary will ensure that affected parties have been informed of the decisions.

Timelines

An extension or waiver of the time limits specified in these procedures may be made by mutual consent of the parties involved. If an employee fails to comply with prescribed time limits without mutual consent, the grievance is considered dropped. If a supervisor or the Office Manager fails to comply with the prescribed time limits without mutual consent, the employee has the right to proceed to the next step of the process.

Appeals

If an employee has followed the grievance process described herein and disagrees with the outcome, he or she may appeal to the State Actuary or the State Actuary Appointment Committee.

An appeal to the State Actuary Appointment Committee must be made in writing and must contain:

- A description of the grievance;
- The date of the occurrence;
- The rule, law, or agency policy that allegedly has been misapplied or broken;
- The identify of any individuals who have knowledge of the occurrence; and
- A description of the steps that have been taken to resolve the grievance.

WHISTLE BLOWER POLICY

Chapter 42.40 RCW encourages employees of the State of Washington to report improper governmental actions to the Office of the State Auditor. Improper governmental action means any action by an employee that violates state law, abuses authority, wastes public funds, or endangers public health or safety. Information on the provisions of Chapter 42.40 RCW is available from the Office Manager or from the State Auditor's Office.

Any state employee wishing to report improper governmental action should notify the State Auditor's Office. All information will be held in confidence.

Section III

Operating Policies

USE OF STATE RESOURCES

The Legislative Ethics Board has established strict rules governing the use of state-owned resources. Employees are expected to use state resources such as computers, electronic messaging, and the internet, telephones, etc., appropriately. Misuse of state-owned resources may result in disciplinary action including termination.

Computers: Employees are expected to use the office computer system appropriately, keeping in mind the following policies:

1. No hardware or software may be purchased without proper authorization by the State Actuary or his or her designee;
2. No software may be placed on any legislative computer equipment without proper authorization by the State Actuary or his or her designee. This includes software purchased by the OSA and software purchased by and belonging to the user;
3. No software purchased by the OSA may be placed on equipment owned by the individual without proper authorization of the State Actuary or his or her designee; and
4. All software placed on office computer equipment must be appropriately licensed. Placement of software purchased by the OSA on office computer equipment or equipment belonging to the individual user will be authorized only if such placement is in conformance with all requirements of the software license.

Electronic Messaging: The OSA maintains an electronic messaging system on a shared network. All messages sent on this system are the possession of the OSA and there should be no expectation by any employee that any content of electronic messages will be private or confidential.

Use of the Internet: Users of the Internet must use these services in a manner that is consistent with the rules established by the Legislative Ethics Board. As stated in the "Legislative Ethics Board Rule 3: Private Use of State Resources":

"Public resources are entrusted to legislators and legislative employees to further the public interest. Appropriation of public facilities, equipment, services, and personnel for personal benefit can undermine this trust and impedes the proper performance of government's work. At the same time, a legitimate need exists for limited exceptions to this rule. Where use is incidental, infrequent, or involves de minimis or no cost to the state, does not interfere with performance of official duties, and is reasonable in light of legitimate needs and expectations of the public work force, neither the public trust nor government efficiency suffers to any significant degree."

Each user is individually responsible for the content of any communication sent via, placed on, or downloaded from, the Internet. The OSA is not liable in any way for the content of any such communication. There is no guarantee of privacy or confidentiality in any message or file received or sent via the Internet. The Legislative Service Center has the ability to monitor Internet access.

Any use of commercial or pay-for-use services on the Internet is prohibited unless pre-approved by the State Actuary.

Users must exercise caution in their use of the Internet. Users of the Internet shall avoid accessing files that utilize full-motion video or audio since these types of files may overload the network and impact system performance for other users. Users must also avoid accessing and downloading files that have the potential to be or actually are contaminated with software viruses.

Any inquiries regarding the use of a particular Internet service and whether such use constitutes official office business shall be directed to the State Actuary or the Office Manager. Any inquiries regarding access to or use of the Internet should be directed to the Legislative Service Center through the Computer System Facilitator.

Office Phones: Employees are cautioned to use discretion with respect to use of office phones for personal calls. Personal long distance calls must be made with an employee's personal telephone credit card.

Cellular Phones: Agency cellular phones are restricted to official business use except in extenuating circumstances, such as emergency circumstances or when notifying family of unexpected work schedule changes. Employees will be required to report and reimburse the agency for all other calls.

SCAN (State Controlled Area Network) System: SCAN is the network that provides long distance service for the State of Washington. SCAN use is to be limited to business-related long distance calls. Each employee is accountable for the long distance calls made with his or her SCAN authorization number.

When an employee is in travel status, the SCAN PLUS card should be used for long distance calls. Personal calls should not be made except when a brief call is made to advise an employee's family of a change in travel plans.

Purchasing Cards: Purchasing cards are an alternative method for purchasing goods and services. All purchasing cards are to be used for official state business only. Personal use of an agency credit card by individual employees is prohibited.

The card will not be used: to make personal purchases; to obtain cash advances from financial institutions; to purchase equipment, material or supplies restricted by policies, guidelines or contractual agreements; for travel related expenses such as transportation and meals; or to pay telephone or utility bills.

The Office Manager will be responsible for:

- Safeguarding the assigned Purchasing Cards;
- Maintaining the purchasing card receipts;
- Reconciling the receipts to the monthly invoice; and
- Authorizing and forwarding the monthly invoices and receipts to OFM Accounting for payment.

The credit card user is responsible for:

- Using the Purchasing Card in accordance with agency policies and procedures;
- Making only purchases authorized by the Office Manager or the State Actuary; and
- Returning the Purchasing Card and receipts to the Office Manager in a timely manner.

ACCIDENT PREVENTION

The OSA is committed to providing a safe working environment for its employees and visitors.

Responsibility for safety is shared by the employer and the employee. Employees are expected to cooperate with rules and procedures concerning health and safety.

Job-related accidents and illnesses should be reported to the Office Manager. Accident report forms are available through the Office Manager and must be submitted as required by Department of Labor and Industries regulations.

ALCOHOL AND DRUGS

Alcoholism and drug dependency are defined as illnesses that interfere with an employee's ability to perform assigned work satisfactorily or that adversely affect job behavior. The OSA regards the misuse of drugs or alcohol by employees as undesirable conduct that may result in unacceptable work performance. Accordingly, employees are prohibited from possessing, selling, consuming, or being under the influence of any drug or alcohol (except as authorized by a physician) while at work, in state vehicles, or engaged in OSA work.

If an employee develops job performance problems as a result of a drug or alcohol problem, the OSA may refer the employee to a treatment program. Employees are encouraged to voluntarily seek assistance for alcoholism, drug dependence, or any other job-impairing personal problem.

Failure to correct unsatisfactory job performance or

behavior will result in appropriate disciplinary action including, when necessary, termination.

SMOKING

The OSA strives to provide a safe, healthy, and productive environment for employees and members of the public who are conducting business in agency facilities by eliminating tobacco smoke in its offices. No employee or visitor is permitted to smoke in any office, hallway, conference room, restroom, reception area, meeting room, or state vehicle. Employees should advise their visitors of the policy.

DOMESTIC VIOLENCE AND THE WORKPLACE

Domestic violence is abusive behavior that is physical, sexual, and/or psychological and is intended to establish and maintain control over a partner. Domestic violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being and productivity of employees who are victims as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover and health care costs, and reduced productivity.

OSA is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee will be penalized or disciplined for being a victim of harassment in the workplace.

Any employee who threatens, harasses, or abuses someone at the workplace or from the work place using any state resources such as work time, phones, fax machines, mail, e-mail, or other means may be subject to corrective or disciplinary action up to and including termination. Corrective or disciplinary action may also be taken against employees who are arrested, convicted, or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a state employee.

Domestic Violence, Disclosure of Victim's Addresses:

The Secretary of State's Office maintains an address confidentiality program for victims of domestic violence. This program allows victims to use a substitute address for public and private records, mail forwarding, and service of process purposes. Any employee who is threatened by domestic violence and wishes to use this service is urged to contact the Secretary of State's Office (753-2972).

Domestic Violence Resources:

- Secretary of State's Office: Address confidentiality, 753-2972
- 24-Hour Washington State Domestic Violence Hotline, 1-800-562-6025
- Safeplace 24-Hour Counseling Line, 754-6300
- Local Police, 911
- Washington State Coalition Against Domestic Violence, 352-4029
- The National Domestic Violence Hotline, 1-800-799-SAFE

PUBLIC DISCLOSURE COMMISSION REPORTS

Certain legislative staff members are required to file a Personal Financial Affairs Statement (F-1) with the Public Disclosure Commission. OSA employees in the following positions must file a report with the Public Disclosure Commission:

State Actuary	Deputy State Actuary
Actuarial Assistant	Research Analyst
Legal Counsel	

Present staff must file during the period of January 1 - April 15 each year. New staff must file within two weeks of their hiring date.

If your financial situation has not changed substantially from the time of your last report, you can file the shorter F-1A form. However, an F-1A form cannot be used for

more than three consecutive years.

F-1 and F-1A forms are available from the Office Manager or the Public Disclosure Commission.

For further information, contact the Public Disclosure Commission at 753-1111.

PUBLIC RECORDS DISCLOSURE

This policy is adopted in compliance with chapter 42.17 RCW regarding inspection and copying of public records in the custody of the OSA.

All public records under the custody of the OSA are available for public inspection and copying from 8 AM through 5 PM, Monday through Friday, excluding legal holidays. A request to inspect or copy any OSA public record may be made in writing to the OSA.

Within five business days of receipt of a public records request, the State Actuary shall respond by providing the records, acknowledging receipt of the request, or providing a reasonable estimate of the time required to respond to the request, or denying the request and stating the reason for such denial.

As provided by law, the State Actuary shall determine if a requested public record is exempt from disclosure and may delete identifying details in public records as appropriate under the law.

No fee shall be charged for inspection of public records. A fee of 10 cents per page and \$10 per audio tape will be charged for copying. Fees are payable at the time the copy is furnished.

TRAVEL

The OSA follows the State of Washington travel regulations as set forth in the "Office of Financial Management Financial and Administrative Policies, Regulations, and Procedures" (on the Internet at <http://www.wa.gov/ofm/policy/poltoc.htm>). Some basic guidelines follow.

- Travel reimbursement is made only when previously authorized by the State Actuary. The traveler must submit a Travel Authorization or Development Activities Request form signed by the State Actuary prior to travel. (See **Forms** section.)
- The traveler pays lodging and meal costs, which are reimbursed according to state regulations. It is strongly advised that employees check with the Office Manager for clarification of costs that can be reimbursed before travel expenses are incurred.
- The traveler has the following options for air fare:
 - (1) The office will purchase a refundable round-trip coach or business class airline ticket available through state contract for the exclusive purpose of the requested agency travel; or
 - (2) The traveler may request direct reimbursement for the cost of a round-trip coach or business class airline ticket purchased by the employee for the requested agency travel subject to the following conditions:
 - Reimbursement will not exceed the cost of the airline ticket available under Option 1;
 - Reimbursement is available after the traveler has completed the requested travel and is not available if the employee does not complete the requested agency travel;
 - The employee must provide valid receipts documenting the cost of the airline ticket and documenting the completion of the requested agency travel; and
 - The cost eligible for reimbursement will include the direct cost to the employee and will not include the full value of a discounted ticket purchased or redeemed by the employee via an airline certificate, voucher or frequent flyer program.
- Advance payment of travel expenses may be requested on the Travel Authorization form.

- Reimbursement is made from a Travel Expense Voucher. The Travel Expense Voucher is submitted to the Office Manager immediately upon completion of travel. (See **Forms** section.)

Basis for Reimbursement

1. Allowable lodging expenses include the basic commercial lodging cost, sales taxes, and hotel or motel taxes. A receipt must accompany the Travel Expense Voucher for reimbursement.
2. The cost of meals is reimbursed up to the maximum rate set by the Office of Financial Management for the geographic location of travel.

3. To receive reimbursement for meal costs, employees must be in travel status: (a) at least three hours beyond regularly scheduled working hours each day; and (b) during the entire meal period. Meal periods are:

Breakfast	6:30 - 8:30 AM
Lunch	11:30 - 1:30 PM
Dinner	5:00 - 7:00 PM

4. When expenses are not incurred, e.g., when meals are furnished or lodging is not at a commercial facility, no reimbursement will be allowed.

Forms

Request for Alternate Work Schedule

Name: _____

Date: _____

Beginning _____ I would like my scheduled office hours to be:
Date

_____ AM to _____ PM _____
Days

_____ Am to _____ PM _____
Days

Employee Signature *Date*

Approved by:

Supervisor *Date*

State Actuary *Date*

Request to Telecommute

Name: _____

Alternate Work Location:

Address: _____

Work space: _____

Telephone: _____

FAX: _____

Email: _____

Regular Telecommuting Schedule:

Day of the Week: _____

Hours: 8:00 am to 5:00 pm

Beginning: _____

Employee Signature

Date

Approved by:

Supervisor

Date

State Actuary

Date

Request for Employee Development Activities

Name: _____ SSN: _____

Activity Requested:

Course Name: _____

Institution: _____

Date(s): _____ Cost: _____

Description:

Priority Level: _____

Priority #1 "Essential" -- Considered necessary to fulfill current job responsibilities.

Priority #2 "Useful" -- Directly related to current and/or anticipated job responsibilities within the agency.

Priority #3 "Beneficial" -- Career enhancing, but not directly related to current or anticipated job responsibilities. Activities in this category tend to be applicable to broader career goals in the Legislature.

Employee Signature

Date

Approved by:

Supervisor

Date

State Actuary

Date

Request Participate in the Actuarial Study Program

Name: _____

Exam Title: _____ Exam Date: _____

Activity Requested:

- | | | |
|-----|---|----------|
| (1) | Study Time (weekly schedule to be submitted to manager) | _____ |
| | | Yes/No |
| (2) | Exam Fees | \$ _____ |
| (3) | Exam Study Materials | \$ _____ |
| (4) | Exam Preparation Seminar (Reimbursement upon proof of passing exam within agency travel policies up to \$2,500) | \$ _____ |

Employees must pass at least one exam over a rolling two-year period.

_____ *This is my first exam while participating in OSA's Study Program.*

I first began OSA's Actuarial Study Program on _____.

I passed my most recent actuarial exam on _____.

Employee Signature

Date

Approved by:

Supervisor

Date

State Actuary

Date

FORM
A40-A
(Rev.7/95)



STATE OF WASHINGTON
TRAVEL AUTHORIZATION

AGENCY NAME	AGENCY NUMBER	EMPLOYEE TELEPHONE NUMBER	T.A. NUMBER	T.A. DATE
DIVISION OR DEPARTMENT	EMPLOYEE NAME AND TITLE	DRIVER'S LICENSE NUMBER	STATE ISSUING DRIVER'S LICENSE	

1. PURPOSE OF TRIP

--

2. TRAVEL ITINERARY & MODE OF TRANSPORTATION

DATE	FROM	TO	MODE CODE	MODE CODE SYMBOLS: POV--Privately Owned Vehicle AOV--Agency Owned Vehicle MPV--Motor Pool Vehicle RNV--Rental Vehicle AIR--Air (State class of transportation under remarks.) T--Train B--Bus O--Other (explain under remarks) REMARKS:

3. TRAVEL EXPENSE ESTIMATE & ADVANCE REQUESTED

NOTICE

ITEM OF EXPENSE		ESTIMATED TRAVEL EXPENSE	ADVANCE REQUESTED	TRAVEL ADVANCES--See RCW 43.03.150-.210.	
a. SUBSISTENCE & LODGING DAYS: IN-STATE	OUT-OF-STATE			In case of default by employee in repayment or accounting for an advance as provided by state law and regulations, the advance becomes a prior lien and, together with a 10% interest charge, may be deducted from any amount due to the employee from the state. An unauthorized expenditure of an advance constitutes a misappropriation of state funds.	
b. TRANSPORTATION: MOTOR VEHICLE (1)	EST. MILES				
OTHER:	MODE CODE			REQUESTOR'S SIGNATURE	DATE
c. OTHER EXPENSE: (explain)				AUTHORIZING SIGNATURE	DATE
d.					
TOTALS		\$0.00	\$0.00		

(1) RCW 43.170 prohibits travel mileage advances for employee's or officer's use of privately owned vehicles.

DOC. DATE	PMT DUE DATE	CURRENT DOC. NO.	REF. DOC. NO.	VENDOR NUMBER				VENDOR MESSAGE				USE TAX	UBI NUMBER			
REF DOC. SUF	TRANS CODE	MOD	FUND	APPN INDEX	PROGRAM INDEX	SUB OBJ	SUB SUB OBJ	ORG. INDEX	WORK CLASS	CO	CITY / TOWN	PROJECT	SUB PROJ	PROJ PHAS	AMOUNT	INVOICE NUMBER
ACCOUNTING APPROVAL FOR PAYMENT									DATE		WARRANT TOTAL			WARRANT NUMBER		

Appendix A

Chapter 44.44 RCW

Office of the State Actuary

Chapter 44.44 RCW

OFFICE OF STATE ACTUARY—JOINT COMMITTEE ON PENSION POLICY

Sections

- 44.44.010 Office of state actuary—Created—Qualifications.
- 44.44.013 State actuary appointment committee—Creation—Membership—Powers.
- 44.44.030 Personnel—Member of American academy of actuaries.
- 44.44.040 Powers and duties—Actuarial fiscal notes.
- 44.44.900 Severability—1975-'76 2nd ex.s. c 105.

Department of retirement systems: Chapter 41.50 RCW.

44.44.010 Office of state actuary—Created—Qualifications. (1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science. [1987 c 25 § 1; 1975-'76 2nd ex.s. c 105 § 19.]

44.44.013 State actuary appointment committee—Creation—Membership—Powers. (1) The state actuary appointment committee is created. The committee shall consist of: (a) The chair and ranking minority member of the house of representatives appropriations committee and the chair and ranking minority member of the senate ways and means committee; and (b) four members of the select committee on pension policy appointed jointly by the chair and vice-chair of the select committee, at least one member representing state retirement systems active or retired members, and one member representing state retirement system employers.

(2) The state actuary appointment committee shall be jointly chaired by the chair of the house of representatives appropriations committee and the chair of the senate ways and means committee.

(3) The state actuary appointment committee shall appoint or remove the state actuary by a two-thirds vote of the committee. When considering the appointment or removal of the state actuary, the appointment committee shall consult with the director of the department of retirement systems, the director of the office of financial management, and other interested parties.

(4) The state actuary appointment committee shall be convened by the chairs of the house of representatives appropriations committee and the senate ways and means committee (a) whenever the position of state actuary becomes vacant, or (b) upon the written request of any four members of the appointment committee. [2003 c 295 § 13.]

44.44.030 Personnel—Member of American academy of actuaries. (1) Subject to RCW 44.04.260, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the

actuary and approved by the state actuary appointment committee, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the select committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies. [2003 c 295 § 14; 2001 c 259 § 11; 1987 c 25 § 2; 1975-'76 2nd ex.s. c 105 § 21.]

44.44.040 Powers and duties—Actuarial fiscal notes. The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under RCW 41.04.276.

(7) Provide actuarial assistance to the law enforcement officers' and fire fighters' plan 2 retirement board as provided in chapter 2, Laws of 2003. Reimbursement for services shall be made to the state actuary under RCW 39.34.130 and section 5(5), chapter 2, Laws of 2003. [2003 c 295 § 4; 2003 c 92 § 2; 1987 c 25 § 3; 1986 c 317 § 6; 1975-'76 2nd ex.s. c 105 § 22.]

Reviser's note: This section was amended by 2003 c 92 § 2 and by 2003 c 295 § 4, each without reference to the other. Both amendments are

incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—Effective date—2003 c 92: See RCW 41.26.905 and 41.26.906.

Legislative findings—Intent—Severability—1986 c 317: See notes following RCW 41.40.150.

44.44.900 Severability—1975-'76 2nd ex.s. c 105.
See note following RCW 41.04.270.

Appendix B

Chapters 41.04.276, 278, 281 RCW

Select Committee on Pension Policy

Chapter 41.04 RCW

GENERAL PROVISIONS

Sections

- 41.04.276 Select committee on pension policy—Creation—Membership—Terms of office—Staff support.
41.04.278 Select committee on pension policy—Subcommittees.
41.04.281 Select committee on pension policy—Powers and duties.

*Partial listing of sections

41.04.276 Select committee on pension policy—Creation—Membership—Terms of office—Staff support.

(1) The select committee on pension policy is created. The select committee consists of:

(a) Four members of the senate appointed by the president of the senate, two of whom are members of the majority party and two of whom are members of the minority party. At least three of the appointees shall be members of the senate ways and means committee;

(b) Four members of the house of representatives appointed by the speaker, two of whom are members of the majority party and two of whom are members of the minority party. At least three of the appointees shall be members of the house of representatives appropriations committee;

(c) Four active members or representatives from organizations of active members of the state retirement systems appointed by the governor for staggered three-year terms, with no more than two appointees representing any one employee retirement system;

(d) Two retired members or representatives of retired members' organizations of the state retirement systems appointed by the governor for staggered three-year terms, with no two members from the same system;

(e) Four employer representatives of members of the state retirement systems appointed by the governor for staggered three-year terms; and

(f) The directors of the department of retirement systems and office of financial management.

(2)(a) The term of office of each member of the house of representatives or senate serving on the committee runs from the close of the session in which he or she is appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term continues until the member is reappointed or a successor is appointed. The term of office for a committee member who is a member of the house of representatives or the senate who does not continue as a member of the senate or house of representatives ceases upon the convening of the next session of the legislature during the odd-numbered year following the member's appointment, or upon the member's resignation, whichever is earlier. All vacancies of positions held by members of the legislature must be filled from the same political party and from the same house as the member whose seat was vacated.

(b) Following the terms of members and representatives appointed under subsection (1)(d) of this section, the retiree

positions shall be rotated to ensure that each system has an opportunity to have a retiree representative on the committee.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years and the vice-chairperson shall be a member of the house of representatives in even-numbered years and a member of the senate in odd-numbered years.

(4) The committee shall establish an executive committee of five members, including the chairperson, the vice-chairperson, one member from subsection (1)(c) of this section, one member from subsection (1)(e) of this section, and one member from subsection (1)(f) of this section, with the directors of the department of retirement systems and the office of financial management serving in alternate years.

(5) Nonlegislative members of the select committee serve without compensation, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) The office of state actuary under chapter 44.44 RCW shall provide staff and technical support to the committee. [2003 c 295 § 1.]

41.04.278 Select committee on pension policy—Subcommittees. (1) The select committee on pension policy may form three function-specific subcommittees, as set forth under subsection (2) of this section, from the members under RCW 41.04.276(1) (a) through (e), as follows:

(a) A public safety subcommittee with one member from each group under RCW 41.04.276(1) (a) through (e);

(b) An education subcommittee with one member from each group under RCW 41.04.276(1) (a) through (e); and

(c) A state and local government subcommittee, with one retiree member under RCW 41.04.276(1)(d) and two members from each group under RCW 41.04.276(1) (a) through (c) and (e).

The retiree members may serve on more than one subcommittee to ensure representation on each subcommittee.

(2)(a) The public safety subcommittee shall focus on pension issues affecting public safety employees who are members of the law enforcement officers' and fire fighters' and Washington state patrol retirement systems.

(b) The education subcommittee shall focus on pension issues affecting educational employees who are members of the public employees', teachers', and school employees' retirement systems.

(c) The state and local government subcommittee shall focus on pension issues affecting state and local government employees who are members of the public employees' retirement system. [2003 c 295 § 2.]

41.04.281 Select committee on pension policy—Powers and duties. The select committee on pension policy has the following powers and duties:

(1) Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the legislature;

(2) Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the legislature;

(3) Consult with the chair and vice-chair on appointing members to the state actuary appointment committee upon the convening of the state actuary appointment committee established under RCW 44.44.013; and

(4) Receive the results of the actuarial audits of the actuarial valuations and experience studies administered by the pension funding council pursuant to RCW 41.45.110. The select committee on pension policy shall study and make recommendations on changes to assumptions or contribution rates to the pension funding council prior to adoption of changes under RCW 41.45.030, 41.45.035, or 41.45.060. [2003 c 295 § 5.]

Appendix C

**Select Committee on Pension Policy
Rules of Procedure**

Select Committee on Pension Policy

Rules of Procedure

(August 17, 2004)

- RULE 1. Membership. The Committee shall consist of 20 members: two from each caucus of the legislature, four active members or representatives of active members of the state retirement systems, two retired members or representatives of retired members of the state retirement systems, four employer representatives, and the Directors of the Department of Retirement Systems and the Office of Financial Management.

The Directors of the Department of Retirement Systems and the Office of Financial Management may appoint alternates from their respective agencies for membership on the SCPP.

- RULE 2. Meetings. The Select Committee on Pension Policy (SCPP) will typically meet once each month during the Legislative Interim. Additional meetings may be called by the Chair of the SCPP or Executive Committee as deemed necessary.

- RULE 3. Rules of Order. All meetings of the SCPP, its Executive Committee, or any subcommittee created by the SCPP shall be governed by Reed's Parliamentary Rules, except as specified by applicable law or these Rules of Procedure.

- RULE 4. Quorum. A majority of the 20 committee members shall constitute a quorum of the Full Committee (11 members). A majority of the members appointed to a subcommittee shall constitute a quorum of the subcommittee.

- RULE 5. Voting. A majority of the 20 committee members must vote in the affirmative for an official action of the SCPP to be valid (11 members), a majority of those committee members present must vote in the affirmative on procedural matters (at least 6 members), unless provided otherwise in statute or these Rules of Procedure. A majority of the members appointed to a subcommittee must vote in the affirmative for an official action of a subcommittee to be valid; a majority of those subcommittee members present must vote in the affirmative on procedural matters, unless provided otherwise in statute or these Rules of Procedure.

- RULE 6. Minutes. Minutes summarizing the proceedings of each SCPP meeting and subcommittee shall be kept. These minutes will include member attendance, official actions taken at each meeting, and persons testifying.

RULE 7. SCPP Chair, Vice Chair, Executive Committee and Subcommittees. An Executive Committee shall be established and shall include five members. Reorganization elections shall take place at the first meeting of the year as follows: First the Chair shall be elected and then the Vice Chair shall be elected. The Chair shall be a member of the Senate in even-numbered years and a member of the House of Representatives in odd-numbered years. The Vice Chair shall be a member of the House in even-numbered years and a member of the Senate in odd-numbered years.

Two members of the Executive Committee shall then be elected, one member representing active members and one member representing employers. In addition, the Director of the Department of Retirement Systems and the Director of the Office of Financial Management shall alternate membership on the Executive Committee. The Director of the Department of Retirement Systems will serve on the Executive Committee in odd-numbered years; the Director of the Office of Financial Management in even-numbered years.

Executive Committee members may designate an alternate to attend Executive Committee meetings in the event they cannot attend. Alternates shall be members of the SCPP who represent the same member group as the elected Executive Committee member.

Subcommittees of the SCPP may be formed upon recommendation of the Executive Committee. The creation of the subcommittee and appointment of members shall be voted on by the full SCPP.

RULE 8. Duties of Officers.

- A. The Chair shall preside at all meetings of the SCPP and Executive Committee, except that the Vice Chair shall preside when the Chair is not present. In their absence, an Executive Committee member may preside.
- B. The State Actuary shall prepare and maintain a record of the proceedings of all meetings of the SCPP Committee, Executive Committee, and SCPP Subcommittees.
- C. The Executive Committee shall perform all duties assigned to it by these Rules of Procedure, such other duties delegated to it by the SCPP, and shall set meeting agendas and recommend actions to be taken by the SCPP.

- D. A recommendation to refer an issue to the Assistant Attorney General will be approved by the Chair or by a majority vote of the Executive Committee. The Chair or the Committee will consider priorities of the SCPP of all legal issues and budget constraints in making this decision.

Advice from the Attorney General's Office to the Chair or the Committee may be subject to the attorney client privilege. When subject to the privilege, Committee members are advised to maintain the advice as confidential. The privilege may be waived only by vote of the Committee.

- E. The State Actuary may refer requests for information or services by Select Committee on Pension Policy members that are directly related to current Committee projects or proposals and/or require a significant use of OSA resources to either the Chair of the SCPP or the Executive Committee. Such requests will be approved by either the Chair or by a majority vote of the Executive Committee prior to initiation and completion by the OSA. The Executive Committee will consider priorities of all current OSA projects and budget constraints in making this decision.
- F. The State Actuary shall submit the following to the Executive Committee and the full SCPP for approval: the biennial budget submission for the OSA, and any personal services contract of \$20,000 or more that is not described in the biennial budget submission.
- G. The Chair and Vice Chair shall appoint four members of the SCPP to serve on the State Actuary Appointment Committee. At least one member shall represent state retirement systems' active or retired members, and one member shall represent state retirement system employers. The Chair and Vice Chair may designate an alternate for each appointee from the same category of membership.

RULE 9. Expenses. Legislators' travel expenses shall be paid by the member's legislative body; state employees' expenses shall be paid by their employing agency; other SCPP members' travel expenses shall be reimbursed by the Office of the State Actuary in accordance with RCW 43.03.050 and 43.03.060.

RULE 10. Staff. The OSA shall provide staff and technical assistance to the Committee. The State Actuary has the statutory authority to select and employ such research, technical, clerical personnel, and consultants as the State Actuary deems necessary. The State Actuary shall inform the Executive Committee of final personnel actions. Any employee terminated by the State Actuary shall have the right of appeal to the Executive Committee. The State Actuary has also implemented a grievance procedure within the OSA. Any employee who has followed the OSA grievance process and disagrees with the outcome may appeal to the Chair or Vice Chair for action by the Executive Committee.

Revised August 17, 2004 by the Select Committee on Pension Policy.



Senator Karen Fraser, Chair



Representative Steve Conway, Vice Chair

Appendix D

Chapter 42.52 RCW
Ethics in Public Service

Chapter 42.52 RCW

ETHICS IN PUBLIC SERVICE

Sections

42.52.010	Definitions.
42.52.020	Activities incompatible with public duties.
42.52.030	Financial interests in transactions.
42.52.040	Assisting in transactions.
42.52.050	Confidential information—Improperly concealed records.
42.52.060	Testimony of state officers and state employees.
42.52.070	Special privileges.
42.52.080	Employment after public service.
42.52.090	Limited assistance by former state officers and employees.
42.52.100	Conditions on appearance before state agencies or doing business with the state—Hearing—Judicial review.
42.52.110	Compensation for official duties or nonperformance.
42.52.120	Compensation for outside activities.
42.52.130	Honoraria.
42.52.140	Gifts.
42.52.150	Limitations on gifts.
42.52.160	Use of persons, money, or property for private gain.
42.52.170	Giving, paying, loaning, etc., any thing of economic value to state employee.
42.52.180	Use of public resources for political campaigns.
42.52.185	Restrictions on mailings by legislators.
42.52.190	Investments.
42.52.200	Agency rules.
42.52.310	Legislative ethics board.
42.52.320	Authority of legislative ethics board.
42.52.330	Interpretation.
42.52.340	Transfer of jurisdiction.
42.52.350	Executive ethics board.
42.52.360	Authority of executive ethics board.
42.52.370	Authority of commission on judicial conduct.
42.52.380	Political activities of board members.
42.52.390	Hearing and subpoena authority.
42.52.400	Enforcement of subpoena authority.
42.52.410	Filing complaint.
42.52.420	Investigation.
42.52.425	Dismissal of complaint.
42.52.430	Public hearing—Findings.
42.52.440	Review of order.
42.52.450	Complaint against legislator or statewide elected official.
42.52.460	Citizen actions.
42.52.470	Referral for enforcement.
42.52.480	Action by boards.
42.52.490	Action by attorney general.
42.52.500	Optional hearings by administrative law judge.
42.52.510	Rescission of state action.
42.52.520	Disciplinary action.
42.52.530	Additional investigative authority.
42.52.540	Limitations period.
42.52.550	Compensation of ethics boards.
42.52.800	Exemptions—Solicitation for state capitol historic furnishings and preservation and restoration of state legislative building.
42.52.801	Exemption—Solicitation to promote tourism.
42.52.802	Exemption—Solicitation for oral history, state library, and archives account.
42.52.810	Solicitation for the legislative international trade account—Report.
42.52.820	Solicitation for hosting national legislative association conference.
42.52.900	Legislative declaration.
42.52.901	Liberal construction.
42.52.902	Parts and captions not law—1994 c 154.
42.52.903	Serving on board, committee, or commission not prevented.
42.52.904	Effective date—1994 c 154.
42.52.905	Severability—1994 c 154.

42.52.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government.

(2) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(3) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(4) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(5) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(6) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

(7) "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.

(8) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(9) "Family" has the same meaning as "immediate family" in RCW 42.17.020.

(10) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;

(h) Campaign contributions reported under chapter 42.17 RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(11) "Honorarium" means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

(12) "Official duty" means those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

(13) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(14) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(15) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(16) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(17) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(18) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(19) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(20) "Thing of economic value," in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(21)(a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

(i) Is, or will be, the subject of state action; or

(ii) Is one to which the state is or will be a party; or

(iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit. [1998 c 7 § 1; 1996 c 213 § 1; 1994 c 154 § 101.]

42.52.020 Activities incompatible with public duties.

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties. [1996 c 213 § 2; 1994 c 154 § 102.]

42.52.030 Financial interests in transactions. (1) No state officer or state employee, except as provided in subsections (2) and (3) of this section, may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

(2) No officer or employee of an institution of higher education or of the Spokane intercollegiate research and technology institute, except as provided in subsection (3) of this section, may be beneficially interested, directly or indirectly, in a contract or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract or grant, unless the institution of higher education or the Spokane intercollegiate research and technology institute has in effect a written administrative process to identify and manage, reduce, or eliminate conflicting interests with respect to such transactions as adopted pursuant to the national science investigator financial disclosure (GPM 510) 1995 and the public health service regulations, 42 C.F.R. Part 50 and 45 C.F.R. Subtitle A as each of those regulations existed on June 6, 1996, and the state employee or state officer has complied with such policy.

(3) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest, except that an officer or employee of an institution of higher education or the Spokane intercollegiate research and technology institute may serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fundraising entity; and may serve as a member of an advisory board, committee, or review panel for a governmental or other nonprofit entity. [1996 c 213 § 3; 1994 c 154 § 103.]

42.52.040 Assisting in transactions. (1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings. [1994 c 154 § 104.]

42.52.050 Confidential information—Improperly concealed records. (1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith. [1996 c 213 § 4; 1994 c 154 § 105.]

42.52.060 Testimony of state officers and state employees. This chapter does not prevent a state officer or state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt. [1994 c 154 § 106.]

42.52.070 Special privileges. Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons. [1994 c 154 § 107.]

42.52.080 Employment after public service. (1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the

state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW 42.52.010 or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the term "employer" does not include a successor organization to the rural development council under chapter 43.31 RCW. [1999 c 299 § 3; 1994 c 154 § 108.]

42.52.090 Limited assistance by former state officers and employees. This chapter shall not be construed to prevent a former state officer or state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

(1) Providing the names, addresses, and telephone numbers of state agencies or state employees;

(2) Providing free transportation to another for the purpose of conducting business with a state agency;

(3) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or

(4) Providing assistance to the poor and infirm. [1994 c 154 § 109.]

42.52.100 Conditions on appearance before state agencies or doing business with the state—Hearing—Judicial review. (1) The head of an agency, upon finding that any former state officer or state employee of such agency or any other person has violated any provision of this chapter or rules adopted under it, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

(a) The appearance before such agency of such former state officer or state employee or other person; and

(b) The conduct of, or negotiation or competition for, business with such agency by such former state officer or state employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.

(2) Findings of violations referred to in subsection (1)(b) of this section shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Such findings and orders are subject to judicial review.

(3) This section does not apply to the legislative or judicial branches of government. [1994 c 154 § 110; 1969 ex.s. c 234 § 27. Formerly RCW 42.18.270.]

42.52.110 Compensation for official duties or non-performance. No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law except: (1) The state of Washington; or (2) in the case of officers or employees of institutions of higher education or of the Spokane intercollegiate research and technology institute, a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency. [1996 c 213 § 5; 1994 c 154 § 111.]

42.52.120 Compensation for outside activities. (1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where the state officer or state employee has complied with RCW 42.52.030(2) or each of the following conditions are met:

(a) The contract or grant is bona fide and actually performed;

(b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;

(c) The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee;

(d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW 42.52.150(4) from receiving a gift;

(e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity;

(f) The contract or grant would not require unauthorized disclosure of confidential information.

(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with a state agency only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or

(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the appropriate ethics board.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses. [1997 c 318 § 1; 1996 c 213 § 6; 1994 c 154 § 112.]

42.52.130 Honoraria. (1) No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

(2) An agency may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or state employee, and the officer or employee is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or

(c) The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) the officer or employee may participate in the enactment or adoption. [1994 c 154 § 113.]

42.52.140 Gifts. No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. [1994 c 154 § 114.]

42.52.150 Limitations on gifts. (1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the

eventual use or acquisition of the item by the officer's or employee's agency;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in RCW 44.04.270;

(h) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in RCW 43.330.090;

(i) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, solicited on behalf of a national legislative association or host committee for the purpose of hosting an official conference under the circumstances specified in RCW 42.52.820. Anything solicited or accepted may only be received by the national association or host committee and may not be commingled with any funds or accounts that are the property of any person;

(j) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(k) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a

speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW. [2003 1st sp.s. c 23 § 2. Prior: 2003 c 265 § 3; 2003 c 153 § 6; 1998 c 7 § 2; 1994 c 154 § 115.]

Findings—2003 c 153: See note following RCW 43.330.090.

42.52.160 Use of persons, money, or property for private gain.

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties. [1996 c 213 § 7; 1994 c 154 § 116; 1987 c 426 § 3. Formerly RCW 42.18.217.]

42.52.170 Giving, paying, loaning, etc., any thing of economic value to state employee.

No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW 42.52.040, 42.52.110, 42.52.120, 42.52.140, or 42.52.150. [1994 c 154 § 117; 1987 c 426 § 5; 1969 ex.s. c 234 § 23. Formerly RCW 42.18.230.]

42.52.180 Use of public resources for political campaigns.

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision,

or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by statewide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130. [1995 c 397 § 30; 1994 c 154 § 118.]

Effective date—Captions—Severability—1995 c 397: See RCW 42.17.960 through 42.17.962.

42.52.185 Restrictions on mailings by legislators. (1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not mail, either by regular mail or electronic mail, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. One such mailing may be mailed no later than thirty days after the start of a regular legislative session, except that a legislator appointed during a regular legislative session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other mailing may be mailed no later than sixty days after the end of a regular legislative session.

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the

Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(4) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(5) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents. [1997 c 320 § 1; 1995 c 397 § 5; 1993 c 2 § 25 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.132.]

42.52.190 Investments. (1) Except for permissible investments as defined in this section, no state officer or state employee of any agency responsible for the investment of funds, who acts in a decision-making, advisory, or policy-influencing capacity with respect to investments, may have a direct or indirect interest in any property, security, equity, or debt instrument of a person, without prior written approval of the agency.

(2) Agencies responsible for the investment of funds shall adopt policies governing approval of investments and establishing criteria to be considered in the approval process. Criteria shall include the relationship between the proposed investment and investments held or under consideration by the state, the size and timing of the proposed investment, access by the state officer or state employee to nonpublic information relative to the proposed investment, and the availability of the investment in the public market. Agencies responsible for the investment of funds also shall adopt policies consistent with this chapter governing use by their officers and employees of financial information acquired by virtue of their state positions. A violation of such policies adopted to implement this subsection shall constitute a violation of this chapter.

(3) As used in this section, "permissible investments" means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in real estate, except if the real estate interest is in or with a party in whom the agency holds an investment. [1994 c 154 § 119.]

42.52.200 Agency rules. (1) Each agency may adopt rules consistent with law, for use within the agency to protect against violations of this chapter.

(2) Each agency proposing to adopt rules under this section shall forward the rules to the appropriate ethics board before they may take effect. The board may submit comments to the agency regarding the proposed rules. [1994 c 154 § 120.]

42.52.310 Legislative ethics board. (1) The legislative ethics board is created, composed of nine members, selected as follows:

(a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(c) Five citizen members:

(i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and

(ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.

(2) Except for initial members and members completing partial terms, nonlegislative members shall serve a single five-year term.

(3) No more than three of the public members may be identified with the same political party.

(4) Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed for a five-year term.

(5) A vacancy on the board shall be filled in the same manner as the original appointment.

(6) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.

(7) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

(8) The citizen members shall annually select a chair from among themselves. [1994 c 154 § 201.]

42.52.320 Authority of legislative ethics board. (1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

(2) The legislative ethics board shall:

(a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;

(b) Issue advisory opinions;

(c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and

(g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) Subject to RCW 42.52.540, the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards established under *chapter 44.60 RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at [the] time of the violation. [1994 c 154 § 202.]

***Reviser's note:** Chapter 44.60 RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

42.52.330 Interpretation. By constitutional design, the legislature consists of citizen-legislators who bring to bear on the legislative process their individual experience and expertise. The provisions of this chapter shall be interpreted in light of this constitutional principle. [1994 c 154 § 203.]

42.52.340 Transfer of jurisdiction. On January 1, 1995, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to *chapter 44.60 RCW shall be transferred to the legislative ethics board created by RCW 42.52.310. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the legislative ethics board created in RCW 42.52.310 pursuant to their direction and the legislative ethics board created in RCW 42.52.310 shall assume full jurisdiction over all pending complaints, investigations, and proceedings. [1994 c 154 § 204.]

***Reviser's note:** Chapter 44.60 RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

42.52.350 Executive ethics board. (1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

(a) One member shall be a classified service employee as defined in chapter 41.06 RCW;

(b) One member shall be a state officer or state employee in an exempt position;

(c) One member shall be a citizen selected from a list of three names submitted by the attorney general;

(d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and

(e) One member shall be a citizen selected at large by the governor.

(2) Except for initial members and members completing partial terms, members shall serve a single five-year term.

(3) No more than three members may be identified with the same political party.

(4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.

(5) A vacancy on the board shall be filled in the same manner as the original appointment.

(6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

(7) The members shall annually select a chair from among themselves.

(8) Staff shall be provided by the office of the attorney general. [1994 c 154 § 205.]

42.52.360 Authority of executive ethics board. (1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

(2) The executive ethics board shall:

(a) Develop educational materials and training;

(b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;

(c) Issue advisory opinions;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and

(g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) The executive ethics board may review and approve agency policies as provided for in this chapter.

(5) This section does not apply to state officers and state employees of the judicial branch. [1994 c 154 § 206.]

42.52.370 Authority of commission on judicial conduct. The commission on judicial conduct shall enforce this chapter and rules adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the

commission may impose sanctions authorized by this chapter. [1994 c 154 § 207.]

42.52.380 Political activities of board members. (1) No member of the executive ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter 42.17 RCW other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (d) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

(2) No citizen member of the legislative ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter 42.17 RCW, other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any legislative candidate, any legislative caucus campaign committee that supports or opposes legislative candidates, or any political action committee that supports or opposes legislative candidates; or (d) engage in lobbying in the legislative branch under circumstances not exempt, under RCW 42.17.160, from lobbyist registration and reporting.

(3) No citizen member of the legislative ethics board may hold or campaign for a seat in the state house of representatives or the state senate within two years of serving on the board if the citizen member opposes an incumbent who has been the respondent in a complaint before the board. [1997 c 11 § 1; 1994 c 154 § 208.]

42.52.390 Hearing and subpoena authority. Except as otherwise provided by law, the ethics boards may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the ethics board. The ethics board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations, and other process or papers of the ethics board. [1994 c 154 § 209.]

42.52.400 Enforcement of subpoena authority. In case of refusal to obey a subpoena issued to a person, the superior court of a county within the jurisdiction of which the investigation, proceeding, or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business, upon application by the appropriate ethics board shall have jurisdiction to issue to the person an order requiring the person to appear before the ethics board or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey

such order of the court may be punished by the court as contempt. [1994 c 154 § 210.]

42.52.410 Filing complaint. (1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint. [1994 c 154 § 211.]

42.52.420 Investigation. (1) After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the allegations contained in the complaint.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination that the complaint should be dismissed pursuant to RCW 42.52.425, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

(3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint. [2000 c 211 § 1; 1994 c 154 § 212.]

42.52.425 Dismissal of complaint. (1) Based on the investigation conducted under RCW 42.52.420, and subject to rules issued by each board, the staff of the appropriate ethics board may issue an order of dismissal based on any of the following findings:

(a) Any violation that may have occurred is not within the jurisdiction of the board;

(b) The complaint is obviously unfounded or frivolous; or

(c) Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.

(2) Written notice of the determination under subsection (1) of this section shall be provided to the complainant, respondent, and the board. The written notice to the complainant shall include a statement of the complainant's right to appeal to the board under subsection (3) of this section.

(3) In the event that a complaint is dismissed under this section, the complainant may request that the board review the action. Following review, the board shall:

(a) Affirm the staff dismissal;

(b) Direct the staff to conduct further investigation; or

(c) Issue a determination that there is reasonable cause to believe that a violation has been or is being committed.

(4) The board's decision under subsection (3) of this section shall be reduced to writing and provided to the complainant and the respondent. [2000 c 211 § 2.]

42.52.430 Public hearing—Findings. (1) If the ethics board determines there is reasonable cause under RCW 42.52.420 that a violation of this chapter or rules adopted under it occurred, a public hearing on the merits of the complaint shall be held.

(2) The ethics board shall designate the location of the hearing. The case in support of the complaint shall be presented at the hearing by staff of the ethics board.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine witnesses.

(4) Testimony taken at the hearing shall be under oath and recorded.

(5) If, based upon a preponderance of the evidence, the ethics board finds that the respondent has violated this chapter or rules adopted under it, the board shall file an order stating findings of fact and enforcement action as authorized under this chapter.

(6) If, upon all the evidence, the ethics board finds that the respondent has not engaged in an alleged violation of this chapter or rules adopted under it, the ethics board shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint. [1994 c 154 § 213.]

42.52.440 Review of order. Except as otherwise provided by law, reconsideration or judicial review of an ethics board's order that a violation of this chapter or rules adopted under it has occurred shall be governed by the provisions of chapter 34.05 RCW applicable to review of adjudicative proceedings. [1994 c 154 § 214.]

42.52.450 Complaint against legislator or statewide elected official. (1) If a complaint alleges a violation of RCW 42.52.180 by a legislator or statewide elected official other than the attorney general, the attorney general shall conduct the investigation under RCW 42.52.420 and recommend action to the appropriate ethics board.

(2) If a complaint alleges a violation of RCW 42.52.180 by the attorney general, the state auditor shall conduct the investigation under RCW 42.52.420 and recommend action to the appropriate ethics board. [1994 c 154 § 215.]

42.52.460 Citizen actions. Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that RCW 42.52.180 is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to com-

mence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment. [1994 c 154 § 216.]

42.52.470 Referral for enforcement. As appropriate, an ethics board may refer a complaint:

(1) To an agency for initial investigation and proposed resolution which shall be referred back to the appropriate ethics board for action; or

(2) To the attorney general's office or prosecutor for appropriate action. [1994 c 154 § 217.]

42.52.480 Action by boards. (1) Except as otherwise provided by law, an ethics board may order payment of the following amounts if it finds a violation of this chapter or rules adopted under it after a hearing under RCW 42.52.370 or other applicable law:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) Damages under this section may be enforced in the same manner as a judgment in a civil case. [1994 c 154 § 218.]

42.52.490 Action by attorney general. (1) Upon a written determination by the attorney general that the action of an ethics board was clearly erroneous or if requested by an ethics board, the attorney general may bring a civil action in the superior court of the county in which the violation is alleged to have occurred against a state officer, state employee, former state officer, former state employee, or other person who has violated or knowingly assisted another person in violating any of the provisions of this chapter or the rules adopted under it. In such action the attorney general

may recover the following amounts on behalf of the state of Washington:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or the rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) In any civil action brought by the attorney general upon the basis that the attorney general has determined that the board's action was clearly erroneous, the court shall not proceed with the action unless the attorney general has first shown, and the court has found, that the action of the board was clearly erroneous. [1994 c 154 § 219.]

42.52.500 Optional hearings by administrative law judge. If an ethics board finds that there is reasonable cause to believe that a violation has occurred, the board shall consider the possibility of the alleged violator having to pay a total amount of penalty and costs of more than five hundred dollars. Based on such consideration, the board may give the person who is the subject of the complaint the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. The board may also, on its own initiative, provide for retaining an administrative law judge. An ethics board may not require total payment of more than five hundred dollars in penalty and costs in any case where an administrative law judge is not used and the board did not give such option to the person who is the subject of the complaint. [1994 c 154 § 220.]

42.52.510 Rescission of state action. (1) The attorney general may, on request of the governor or the appropriate agency, and in addition to other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind state action taken by a state officer or state employee, without liability to the state of Washington, contractual or otherwise, if the governor or ethics board has reason to believe that: (a) A violation of this chapter or rules adopted under it has substantially influenced the state action, and (b) the interest of the state requires the cancellation or rescission. The governor may suspend state action pending the determination of the merits of the controversy under this section. The court may permit persons affected by the governor's actions to post an adequate bond pending such resolution to ensure compliance by the defendant with the final judgment, decree, or other order of the court.

(2) This section does not limit other available remedies. [1994 c 154 § 221.]

42.52.520 Disciplinary action. (1) A violation of this chapter or rules adopted under it is grounds for disciplinary action.

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state officers and state employees not specifically exempted in chapter 41.06 RCW, the rules set forth in chapter 41.06 RCW shall apply. Any action against the state officer or state employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of state officers and state employees of the same category and grade. [1994 c 154 § 222; 1969 ex.s. c 234 § 26. Formerly RCW 42.18.260.]

42.52.530 Additional investigative authority. In addition to other authority under this chapter, the attorney general may investigate persons not under the jurisdiction of an ethics board whom the attorney general has reason to believe were involved in transactions in violation of this chapter or rules adopted under it. [1994 c 154 § 223.]

42.52.540 Limitations period. Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered: (1) By any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or (2) if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics board. [1994 c 154 § 224.]

42.52.550 Compensation of ethics boards. The citizen members of the legislative ethics board and the members of the executive ethics board shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislator members of the legislative ethics board shall be reimbursed as provided in RCW 44.04.120. [1994 c 154 § 227.]

42.52.800 Exemptions—Solicitation for state capitol historic furnishings and preservation and restoration of state legislative building. (1) When soliciting charitable gifts, grants, or donations solely for the limited purposes of RCW 27.48.040, members of the capitol furnishings preservation committee are exempt from the laws of this chapter.

(2) When soliciting charitable gifts, grants, or donations solely for the limited purposes of RCW 27.48.050 or when assisting a nonprofit foundation established for the purposes of RCW 27.48.050, state officers and state employees are exempt from the laws of this chapter. [2002 c 167 § 3; 1999 c 343 § 4.]

Findings—Effective date—2002 c 167: See notes following RCW 27.48.050.

Findings—Purpose—1999 c 343: See note following RCW 27.48.040.

42.52.801 Exemption—Solicitation to promote tourism. When soliciting charitable gifts, grants, or donations solely for the purposes of promoting the expansion of tourism as provided for in RCW 43.330.090, state officers and state

employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140. [2003 c 153 § 5.]

Findings—2003 c 153: See note following RCW 43.330.090.

42.52.802 Exemption—Solicitation for oral history, state library, and archives account. This chapter does not prohibit the secretary of state or a designee from soliciting and accepting contributions to the oral history, state library, and archives account created in RCW 43.07.380. [2003 c 164 § 4.]

42.52.810 Solicitation for the legislative international trade account—Report. (1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in RCW 44.04.270, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in RCW 44.04.270, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(3) An annual report of the legislative international trade account activities, including a list of receipts and expenditures, shall be published by the president of the senate and submitted to the house of representatives and the senate and be a public record for the purposes of RCW 42.17.260. [2003 c 265 § 2.]

42.52.820 Solicitation for hosting national legislative association conference. When soliciting gifts, grants, or donations to host an official conference within the state of Washington of a national legislative association as approved by both the chief clerk and the secretary of the senate, designated legislative officials and designated legislative employees are presumed not to be in violation of the solicitation and receipt of gift provisions in this chapter. For the purposes of this section, any legislative association must include among its membership the Washington state legislature or individual legislators or legislative staff. [2003 1st sp.s. c 23 § 1.]

42.52.900 Legislative declaration. Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest. State officials and employees are subject to the sanctions of law and scrutiny of the media; ultimately, however, they are accountable to the people and must consider this public accountability as a particular obligation of the public service. Only when affairs of government

are conducted, at all levels, with openness as provided by law and an unswerving commitment to the public good does government work as it should.

The obligations of government rest equally on the state's citizenry. The effectiveness of government depends, fundamentally, on the confidence citizens can have in the judgments and decisions of their elected representatives. Citizens, therefore, should honor and respect the principles and the spirit of representative democracy, recognizing that both elected and appointed officials, together with state employees, seek to carry out their public duties with professional skill and dedication to the public interest. Such service merits public recognition and support.

All who have the privilege of working for the people of Washington state can have but one aim: To give the highest public service to its citizens. [1994 c 154 § 1.]

42.52.901 Liberal construction. This chapter shall be construed liberally to effectuate its purposes and policy and to supplement existing laws as may relate to the same subject. [1994 c 154 § 301.]

42.52.902 Parts and captions not law—1994 c 154. Parts and captions used in this act do not constitute any part of the law. [1994 c 154 § 302.]

42.52.903 Serving on board, committee, or commission not prevented. Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body. [1969 ex.s. c 234 § 33. Formerly RCW 42.18.330.]

42.52.904 Effective date—1994 c 154. Sections 101 through 121, 203, 204, 207 through 224, and 301 through 317 of this act shall take effect January 1, 1995. [1994 c 154 § 319.]

42.52.905 Severability—1994 c 154. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1994 c 154 § 320.]